



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Ere Lara,  
Correctional Police Officer (S9988A),  
Department of Corrections

List Removal Appeal

CSC Docket No. 2020-2581

**ISSUED: MARCH 26, 2021 (ABR)**

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Ere Lara appeals the removal of his name from the Correctional Police Officer (S9988A), Department of Corrections eligible list on the basis of an unsatisfactory background report.

The appellant, a non-veteran, applied for and passed the examination for Correctional Police Officer (S9988A), which had a closing date of August 31, 2019. The subject eligible list promulgated on May 15, 2020 and expires on May 14, 2022. The appellant's name was certified from the subject eligible list. The appointing authority removed the appellant's name from the subject eligible list on the basis of an unsatisfactory background. Specifically, the appointing authority indicated that the appellant, at age 23, had a temporary restraining order (TRO) entered against him by the Essex County Family Court in 2011, and a final restraining order (FRO) entered against him on January 26, 2011. The appointing authority also observed that the appellant was charged with defiant trespass, in violation of *N.J.S.A. 2C:18-3B*, after violating the FRO on June 24, 2011. Thereafter, the appellant pled guilty to the foregoing charge and paid a fine. The appointing authority indicated that the FRO remained active until it was dismissed by the Essex County Family Court on April 19, 2016.

On appeal to the Civil Service Commission (Commission), the appellant argues that his name should be restored to the eligible list based upon a consideration of the totality of the circumstances. In this regard, he submits that he was charged with a petty disorderly persons offense after he violated a FRO against him. He explains that the mother of his children placed the FRO on him because of an ongoing dispute and that he violated the FRO by mistakenly attending a birthday party at a location

named in the FRO on June 24, 2011. He proffers that he was 24 years old at the time and still trying to get acclimated to fatherhood as a young man. The appellant maintains that the event was an isolated incident and he states that the subject FRO was dismissed on April 19, 2016 after he paid a fine and completed a batterers' intervention program. The appellant contends that he has demonstrated rehabilitation in a variety of ways, including the completion of 26 batterers' intervention program sessions, attaining a commercial driver's license, volunteering to teach boxing to at-risk youth, and developing a friendship with the officer who arrested him. He also proffers that he has maintained a civil relationship with the mother of his children, with whom he shares joint custody of their children.

In response, the appointing authority asserts that it properly removed the appellant's name from the subject eligible list, as his background indicates that he would not be suited for the position of Correctional Police Officer given the history noted above. It also observes that the appellant was subject to the FRO within three years of the closing date for the subject examination, as it remained active until it was dismissed in April 19, 2016. Therefore, it requests that the removal of the appellant's name from the subject eligible list be upheld. In support, it submits a copy of the appellant's application, as well as records from the New Jersey Judiciary related to the subject restraining order.

## CONCLUSION

*N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4 provide that an eligible's name may be removed from an eligible list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;
- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. *N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

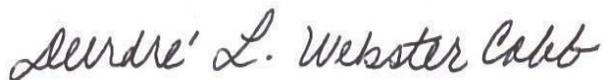
In the instant matter, a review of the record demonstrates that the appellant's name was properly removed from the subject eligible list. The appellant's record includes a conviction for defiant trespass, in violation of *N.J.S.A. 2C:18-3B*, based upon his violation of a FRO. The appellant was 24 years old at the time of the underlying incident, which occurred in June 2011. The appellant points to his completion of 26 batterers' intervention program sessions, attaining of a commercial driver's license, volunteering to teach boxing to at-risk youth, and developing a friendship with the officer who arrested him. Although this appears to have been an isolated incident, it was clearly serious, as it involved the appellant's violation of a court-imposed restraining order. The Commission notes that a Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correctional Police Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), cert. denied, 47 *N.J.* 80 (1966). See also *In re Phillips*, 117 *N.J.* 567 (1990). The public expects Correctional Police Officers to present a personal background that exhibits respect for the law and rules. Clearly a conviction for violating a restraining order reflects poorly upon his ability to enforce and promote adherence to the law. Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing him from the Correctional Police Officer (S9999A) eligible list.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 24<sup>TH</sup> DAY OF MARCH, 2021



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